

**Notice of Allowability****Application No.**

10/561,915

**Examiner**

JAN CHRISTOPHER MERENE

**Applicant(s)**

CLEMENT ET AL.

**Art Unit**

3733

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/18/2010.
2. ☒ The allowed claim(s) is/are 1,2,6-9,15,17,18 and 20-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/25/2010.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Jan Christopher Merene/  
Examiner, Art Unit 3733

/Eduardo C. Robert/  
Supervisory Patent Examiner, Art Unit 3733

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeremy Mereness on August 25, 2010.

The application has been amended as follows:

**Claim 1.** Vertebral osteosynthesis equipment, comprising:

one or more bony anchoring members, at least one of said bony anchoring members comprising a proximal threaded stud, a base portion, and a holding portion, the proximal threaded stud having a first end connected to the base portion and a free second end opposed to said first end, said base portion configured to anchor to a vertebra, and said holding portion configured for holding said base portion in rotation;

a linking rod;

a connecting part configured to engage with said proximal threaded stud of said at least one of said anchoring members, and further configured to connect to said linking rod thereby to connect said linking rod to said at least one of said anchoring members;

a nut configured to engage in threaded engagement with said proximal threaded stud to secure said connecting part, said nut configured to cooperate with the proximal threaded stud to secure said connecting part at said first end; and

at least one extension piece having a head portion and an end distal portion opposed to said head portion, said end distal portion configured to connect to said free second end of said proximal threaded stud and to slidably receive said connecting part from the head portion to the end distal portion such that said connecting part may engage upon said proximal threaded stud, the head portion of the extension piece comprising a flexible structure configured to be positioned askew to a direction of extension of the extension piece,

wherein each of said head portion and said end distal portion have an outermost external diameter configured such that the nut, in coaxial engagement with said extension piece, slides freely over an entire length of said extension piece,

wherein said free second end of said proximal threaded stud has a first positioning element and said end distal portion of said extension piece has a second positioning element, said first and second positioning elements configured in a first mode to removably ~~engage concentrically and~~ secure to each other via threaded engagement in order to removably retain said end distal portion of said extension piece on said free second end of said proximal threaded stud, and said first and second positioning elements further configured in a non-engagement second mode to disengage from each other such that the extension piece is not mounted on said proximal threaded stud, ~~and~~

~~wherein said nut is configured to cooperate with the proximal threaded stud to secure said connecting part at said first end.~~

Cancel **Claims 3-5.**

**Claim 6.** The vertebral osteosynthesis equipment of claim [[5]] 1, wherein said flexible structure comprises a metal wire wound to have a spiral form.

Cancel **Claims 10-12, 16.**

18. (currently amended) A vertebral osteosynthesis equipment, comprising:

a first bony anchoring member comprised of a proximal threaded stud, a base portion, and a holding portion, the proximal threaded stud having a first end connected to the base portion and a free second end opposed to said first end, said base portion configured to anchor to a vertebra, and said holding portion configured for holding said base portion in rotation;

a connecting part configured to engage with said proximal threaded stud of said first bony anchoring member;

a linking rod configured to connect to said connecting part of said first bony anchoring member, and further configured to connect to a second bony anchoring member;

a nut configured to engage on said proximal threaded stud to secure said connecting part; and

an extension piece having a head portion and an end distal portion opposed to said head portion, said end distal portion configured to connect to and

reversibly retain said free second end of said proximal threaded stud, said extension piece configured to slidably receive said connecting part from the head portion to the end distal portion such that said connecting part may engage upon said proximal threaded stud, and the head portion is a flexible structure configured to be positioned askew to a direction of extension of the extension piece;

wherein a maximum outermost external diameter of the extension piece is configured such that the nut, in coaxial engagement with said extension piece, slides freely over an entire length of said extension piece,

wherein said free second end of said proximal threaded stud has a first positioning element and said end distal portion of said extension piece has a second positioning element, said first and second positioning elements configured to engage concentrically with each other in threaded engagement to position and retain said end distal portion of said extension piece on said free second end of said proximal threaded stud, and

wherein said nut is configured to cooperate with the proximal threaded stud to secure said connecting part at said first end.

Cancel **Claim 19**.

**Claim 20.** The vertebral osteosynthesis equipment of claim 49 18, wherein said flexible structure comprises a metal wire wound to have a spiral form.

Cancel **Claim 22**.

2. The following is an examiner's statement of reasons for allowance: Claims 1, 18 in the instant application have not been rejected using prior art because no references, or reasonable combination thereof, could be found which disclose, or suggest, the claimed invention as recited in claim 1, 18. The combination of Lin 5,613,968 and Krafft US 2,679,778 (and/or Bovee US 2,372,930) discloses the use of a flexible extension piece as a driver and fails to disclose a threaded connection. The combination of Lin and Cragg 5,507,817 discloses the use of an extension piece used to extend the length of the anchor via a threaded engagement and fails to disclose the extension piece to be flexible. The flexible extension piece of the current invention is meant to guide the nut over the anchoring member and is connected to the anchoring member in threaded engagement.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and relied upon is considered pertinent to the applicant's disclosure. See PTO-892 for art cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAN CHRISTOPHER MERENE whose telephone number is (571)270-5032. The examiner can normally be reached on 8 am - 6pm Mon-Thurs, alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jan Christopher Merene/  
Examiner, Art Unit 3733

/Eduardo C. Robert/  
Supervisory Patent Examiner, Art Unit 3733